

## **Localism Act 2012; Neighbourhood Planning**

### **Designation of St. Bees and Millom Without Parishes as 'Neighbourhood Areas'**

**EXECUTIVE MEMBER:** Councillor George Clements

**LEAD OFFICER:** John Groves, Head of Nuclear, Energy and Planning

**REPORT AUTHOR:** Chris Bamber, Senior Planner

#### **PURPOSE OF REPORT**

To seek approval for the designation of the parishes of St. Bees and Millom Without as 'Neighbourhood Areas' under the Neighbourhood Planning (General) Regulations 2012, authorising each Parish Council to produce a Neighbourhood Plan.

#### **RECOMMENDATION**

That the civil parish of St. Bees be designated as a 'Neighbourhood Area'.

That the parish of Millom Without be designated as a 'Neighbourhood Area' subject to there being no public opposition to the application currently subject to public consultation.

## **1. Introduction**

- 1.1 Earlier this year, we were informed by St. Bees Parish Council that it wishes to produce a Neighbourhood Plan for the parish. A more recent application has been received from Millom Without Parish Council.
- 1.2 Neighbourhood planning was introduced by the Localism Act, and is now incorporated in planning legislation. There was a member briefing on the subject in April.
- 1.3 To summarise, there are three important features of neighbourhood planning:
  - it is carried out by a 'relevant body' – in parished areas, normally the Parish or Town Council;

- the Borough Council has a statutory duty to give technical advice and support, and to carry out or organise functions prescribed by regulation – statutory advertisements, an independent examination, and a referendum if the plan passes its examination successfully;
- if it goes through this process, the Neighbourhood Plan must be adopted by the Council as part of its Local Plan (Local Development Framework).

There will be a necessity for the Council's planning staff to provide guidance. This will particular need to focus on what a Neighbourhood Plan cannot secure as well as what it can deliver. It is a critical that a neighbourhood is able to operate within the context of the development plan and avoids abortive work attempting to introduce policies which are inconsistent with the LDF

## **2. The proposed St. Bees plan**

- 2.1 The approach from St. Bees came just as the Neighbourhood Planning Regulations were published, and was treated as an 'Application to be Designated as a Neighbourhood Area' under those regulations – that is, it was advertised, with a six week response period. No objections were received.
- 2.2 It thus falls upon the Borough Council to designate the Parish of St. Bees as a Neighbourhood Area under the Localism Act 2012 and the amended 1990 Town and Country Planning Act.
- 2.3 The Council has the right to refuse to make such a designation, if there is a justification for doing so; but as there are no objections from the community, and the Parish Council is a body properly constituted to do a Neighbourhood Plan, it is recommended that the designation be approved.
- 2.4 There are resource implications for the Council in supporting this exercise and the Government has recognised this by allocating funding support. Making this designation will trigger a payment of £5,000, and a further £25,000 is available when the plan successfully completes its examination, which will also fund a referendum.

## **3. The proposed Millom Without Plan**

- 3.1 Discussions have been held with Millom Without Parish Council and an application to be designated was received in October 17. The same considerations apply, except that the parish is partly within the Lake District National Park.
- 3.2 There has been informal discussion with the National Park Authority and this gives grounds to assume that they will accept the Borough Council supporting the administrative process, and managing the funding, with liaison between the two

planning authorities as to the content of the plan. This is on the basis that the parish is remote from the rest of the National Park and almost all the parish population live outside it – arrangements might differ if the population balance were different.

- 3.3 The Millom Without application has been advertised, as the Borough Council is bound to do. The six week response period has not yet concluded. To avoid delay it is proposed that the Council approve designation, subject to no objections being received.

### **3. STATUTORY CONSULTEES**

- 3.1 Monitoring Officer Comments: Proposals follow the statutory procedures for designation of neighbourhood areas set out in the Localism Act 2011 and the associated secondary legislation
- 3.2 S151 Officer Comments: The officer input from the authority can currently be managed within existing resources. There will be a need however, to secure external resource for the examination of the plan. As there has been only one plan approved nationwide it is difficult to know with any certainty the costs involved, but it is believed that that the funding support from the government for this element (£25,000) will be more than sufficient. The external costs will need to be borne by the authority in the first instance with a retrospective claim made for the £25,000. As there is no budget for this income, any income received (net of expenditure) will be additional (non-recurrent) income for the authority. Any further proposals for other areas would need to be considered individually.
- 3.4 EIA Comment: No implications from this decision as it will be the responsibility of the Parish Council to consider how equality issues apply to their plan.
- 3.6 Policy Framework Comment:
- 3.6 Other Consultees: None

List of Appendices – None

List of Background Documents: None